



Waste Management Division

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Application for Waiver

*pursuant to
the provisions of Part Env-Wm 202 of the New Hampshire Solid Waste Rules*

APPLICATION FILING AND PROCESSING INSTRUCTIONS

- (1) Complete this form by providing all of the information requested. If you need more space than provided on the form to answer a particular question and you are using a paper copy of this form, attach additional pages as necessary; mark each page clearly to show both the applicant name and the question being answered; and indicate on the form that the additional pages are attached. If you are using a disk version of this form and need more space to answer a particular question, you may create the additional space on the form itself by following the instructions provided on the disk.
- (2) Submit **THREE** copies of the completed application form, **EACH bearing ORIGINAL signatures**, to the following address:

**New Hampshire Department of Environmental Services (DES)
Waste Management Division (WMD)
Permitting & Design Review Section (P&DRS)
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095**
- (3) All references on this form that begin with "Env-Wm" are citations from the New Hampshire Solid Waste Rules (Rules). You may obtain a copy of the Rules from the DES Public Information and Permitting Office at (603) 271-2975. The Rules are also available on the Internet at <http://www.des.state.nh.us>.
- (4) DES will process your application in conformance with Env-Wm 202, Env-Wm 304 and Env-Wm 305.
- (5) For further assistance with completing this form, or to obtain a disk copy of this form, contact the DES Permitting & Design Review Section (P&DRS) at (603) 271-2925 or at the above noted mailing address.
- (6) You may also contact DES at TDD Access: Relay NH 1 (800) 735-2964.

SECTION I. APPLICANT IDENTIFICATION

(1)	Name:		
(2)	Mailing address:		
(3)	Telephone number:		
(4)	If different than above, identify the individual associated with and designated by the applicant to be the contact individual for matters concerning this application:		
	(a)	Name:	(b) Title:
	(c)	Mailing address:	
	(d)	Telephone number:	
(5)	If the applicant is an individual, provide date of birth and go to Section II:		
(6)	If the applicant is a corporation, partnership or other association, provide the following information as specified:		
	(a)	The facility is owned by a: <input type="checkbox"/> corporation <input type="checkbox"/> partnership <input type="checkbox"/> other association	
	(b)	State of incorporation/formation:	
	(c)	Principal business address:	
	(d)	Provide on separate paper and attach/mark as "Attachment I(6)(c)," the names and addresses of all directors, officers and shareholders (*), if for a corporation; all partners (whether general or limited), if for a partnership; or all principals, members or participants, if for another type of association.	
	(*) For a privately held corporation, identify <u>all</u> shareholders. For a publicly traded corporation, identify all shareholders owning 10% or more of the corporation's equity or debt.		

SECTION II. FACILITY OR ACTIVITY TO WHICH THIS REQUEST RELATES

Identify the particular facility or activity to which this application for waiver relates.

(1)	Related activity [check that which applies]:	
	<input type="checkbox"/> Application for a Standard Permit	<input type="checkbox"/> Application for a Permit-by-Notification
	<input type="checkbox"/> Application for an Emergency Permit	<input type="checkbox"/> Application for Research & Development Permit
	<input type="checkbox"/> Application to certify a waste-derived product for distribution and use	<input type="checkbox"/> Application for Operator Certification
	<input type="checkbox"/> Application to modify a permit (specify the permit number): DES-SW- - -	
<input type="checkbox"/> Other (specify):		
(2)	If the requested waiver relates to a particular application, provide the date the application was/will be submitted to DES:	
(3)	If the requested waiver relates to a particular facility, provide the facility name and location in the space below. (Note: For a waiver relating to a particular facility, you must also notice the host municipality, host solid waste district and, in some instances, the abutters, as specified by Section IV of this form).	
	(a)	Facility name:
	(b)	Street address:
	(c)	Town/City:

SECTION III. SPECIFIC RULE(S) FOR WHICH A WAIVER IS SOUGHT

Below, identify the specific solid waste rule(s) that you wish to have waived. Give the complete "Env-Wm" citation(s).

Env-Wm

SECTION IV. NOTICE OF FILING REQUIREMENTS

- (1) If this application for waiver relates to a particular facility, you must send by certified mail, or deliver in hand, a complete copy of this application and a "notice of filing" to the host municipality, host solid waste management district and other affected entities, as specified by Env-Wm 303. To identify the host solid waste management district, contact the host town/city office or the DES Planning & Community Assistance Section at (603) 271-2900.
- (2) In addition, if this application for waiver is to reduce the required setback distance to any residence or property line, a notice of filing must be provided to the affected property owner(s) as specified in Env-Wm 303.
- (3) A copy of the required notice(s) of filing and proof of receipt [i.e., signature(s) of the recipient(s) acknowledging receipt] must be attached to and submitted with this application for waiver, unless you are combining the notice of filing with the notice requirements for a related permit application as indicated by item (4) below.
- (4) If this application for waiver is being submitted as part of an application for a facility permit or permit modification, the required notice(s) of filing may be combined with the notice(s) of filing prepared for the permit application/permit modification application itself. If so, check here: ☐
- (5) For assistance with preparing the required notice of filing, please refer to either Env-Wm 303 or "A Guide for Preparing Notices of Filing." If the guide is not included with this application form, you may obtain a copy from the P&DRS at (603) 271-2925.

SECTION V. REASON FOR REQUESTING WAIVER

Explain why a waiver is being requested, including an explanation of the hardship that would be caused by having to comply with the rule. Use extra paper as necessary.

SECTION VI. PROPOSED ALTERNATE PROCEDURE, METHOD OR ACTIVITY

Provide a full explanation of any alternate procedure, method, or other activity that you propose to substitute for the procedure, method or activity you wish to have waived. Include written documentation and/or data to support the proposed alternative. Use extra paper as necessary.

SECTION VII. DURATION OF WAIVER

Specify the proposed duration for the requested waiver. If you are seeking a "permanent" waiver, including one that would expire when the facility to which it relates may close, so state and provide the desired starting date.

Proposed effective/starting date:

Proposed expiration date: ☐ OR ☐ I am seeking a "permanent" waiver

SECTION VIII. DEMONSTRATION OF CRITERIA

Provide a full explanation of why you believe that having the waiver granted will meet the below listed criteria. [Note: Economic, technological, practical application and safety issues shall be considered in evaluating a demonstration of the criteria; however, the merits of the application shall not be weighed solely on the basis of cost].

Criteria for Waiver, pursuant to Env-Wm 202.04:

(a) Exemption from complying with the rule shall:

1. Not result in an adverse effect to the environment or natural resources of the state, public health or to public safety; AND
2. Not result in an impact on abutting properties that is more significant than that which would result from complying with the rule; AND
3. Be in keeping with the intent and purpose of the rule being waived; AND

(b) One or more of the following conditions shall be satisfied:

1. Strict compliance with the rule will result in an adverse effect on the environment, public health or safety; AND/OR
2. Strict compliance with the rule will result in a circumvention of the goals and objectives of the state's solid waste management program, as specified in RSA 149-M:1 through 3 and the state solid waste management plan; AND/OR
3. Strict compliance with the standard will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

Use the space below to provide your demonstration. Use extra paper as necessary.

SECTION IX. CERTIFICATION OF COMPLIANCE/COMPLIANCE REPORT

If you are able to certify that each of the following statements is true, do so by your signature. If you are unable to certify that each of the following statements is true, you must prepare a separate Compliance Report as specified by Env-Wm 303.15.

COMPLIANCE STATEMENT

The applicant shall certify that each of the statements listed in (1)-(8) below are true for each of the following individuals and entities:

- ☐ the applicant;
- ☐ the facility owner;
- ☐ the facility operator;
- ☐ all individuals and entities holding 10% or more of the applicant's debt or equity;
- ☐ all of the applicant's officers, directors, and partners; and
- ☐ all individuals and entities having managerial, supervisory or substantial decision making authority and responsibility for the management of facility operations or the activity(s) for which approval is being sought.

(1)	No individual or entity listed above has been convicted of or plead guilty or no contest to a felony in any state or federal court during the 5 years before the date of the application;				
(2)	No individual or entity listed above has been convicted of or plead guilty or no contest to a misdemeanor for a violation of environmental statutes or rules in any state or federal court during the 5 years before the date of the application;				
(3)	No individual or entity listed above has owned or operated any hazardous or solid waste facility which has been the subject of an administrative or judicial enforcement action for a violation of environmental statutes or rules during the 5 years before the date of the application;				
(4)	No individual or entity listed above has been the subject of any administrative or judicial enforcement action for a violation of environmental statutes and rules during the 5 years before the date of the application;				
(5)	All hazardous and solid waste facilities owned or operated in New Hampshire by any individual or entity listed above are in compliance with either: <table><tr><td>(a)</td><td>All applicable environmental statutes, rules, and DES permit requirements; or</td></tr><tr><td>(b)</td><td>A DES approved schedule for achieving compliance therewith;</td></tr></table>	(a)	All applicable environmental statutes, rules, and DES permit requirements; or	(b)	A DES approved schedule for achieving compliance therewith;
(a)	All applicable environmental statutes, rules, and DES permit requirements; or				
(b)	A DES approved schedule for achieving compliance therewith;				
(6)	All individuals and entities listed above are in compliance with all civil and criminal penalty provisions of any outstanding consent agreement, settlement, or court order to which DES is a party;				

(7)	All individuals and entities listed above have paid, or are in compliance with the payment schedule for any administrative fine assessed by DES; and
(8)	All individuals and entities listed above are in compliance with all terms and conditions under every administrative order, court order or settlement agreement relating to programs implemented by DES.

Signature of the applicant certifying the above statements are true:

Applicant Name (Print Clearly or Type) _____

Applicant Signature _____

Date _____

OR

Circle the untrue statement(s) and attach a Compliance Report, pursuant to Env-Wm 303.15

SECTION X. APPLICANT SIGNATURE REQUIREMENTS

*The applicant must sign the following statement prior to submitting this application. All copies of the application filed with DES must bear the applicant's **ORIGINAL** signature. If the applicant is not an individual, an individual duly authorized by the applicant shall sign the application.*

To the best of my knowledge and belief, the information and material submitted herewith is correct and complete. I understand that any approval granted by DES based on false and/or incomplete information shall be subject to revocation or suspension, and that administrative, civil or criminal penalties may also apply.

Applicant Name (Print Clearly or Type) _____
Applicant Signature _____
Date _____

SECTION XI. PROPERTY OWNER SIGNATURE

*For applications relating a specific facility or activity, sited or to be sited on property not owned by the applicant, the property owner must also sign this form as follows. All copies of the application filed with DES must bear the property owner's **ORIGINAL** signature. If the property owner is not an individual, an individual duly authorized by the property owner shall sign the application.*

(1)	I hereby affirm that the applicant has, or shall be granted, the legal right to occupy and use the property on which the subject facility is or will be located for the purposes specified in this application.
(2)	I hereby affirm that I shall grant access to the property for closure and post-closure monitoring of the subject facility and site as required by RSA 149-M and the <u>New Hampshire Solid Waste Rules</u> (Env-Wm 100-300 and Env-Wm 2100-3700), as amended.

Property Owner Name (Print Clearly or Type) _____

Property Owner Signature _____

Date _____